

# MEMO ENDORSED

LAWYERS



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

CHRISTOPHER J. ROBINSON  
DIRECT (212) 603-6441  
Chrisrobinson@dwt.com

1633 BROADWAY  
NEW YORK, NY 10019-6708

TEL (212) 489-8230  
FAX (212) 489-8340  
www.dwt.com

August 14, 2008

### Via Federal Express

Honorable Kenneth M. Karas  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601-4150

<b>USDS SDNY</b>
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Re: ***Swordpen.com, Inc. v. Henry Holt and Co., et al.***  
**S.D.N.Y. Civil Action No. 07 Civ. 10955 (KMK)**

Dear Judge Karas:

We represent the defendants in the above-captioned action. I am writing in connection with Plaintiff's Motion to Amend Complaint, dated August 12, 2008.

Assuming that Mr. Lewinson has in fact properly assigned the copyright in *What Do You Call It?* from SwordPen.Com Inc. to himself, defendants do not oppose Mr. Lewinson's motion to file an amended complaint naming himself, in his individual capacity, as sole plaintiff. In the event the Court grants the motion to amend, it is our understanding that the Court will accept Mr. Lewinson's July 9, 2008 pro se opposition to defendants' pending motion to dismiss the complaint.

In light of the vacation schedules of defense counsel, we respectfully request that the Court grant defendants until September 15, 2008 to prepare and file their reply papers in further support of defendants' dismissal motion and in opposition to Mr. Lewinson's submission.

If our understanding on these matters is incorrect, we request that the Court so advise us.

Respectfully,

Christopher J. Robinson

cc: Zev Lewinson  
(via email and Federal Express)

*Accepted*  
*[Signature]*  
8/16/08